

# WINSTEAD

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**FAX COVER SHEET**

1505:43392/P005P1C1

PLEASE DELIVER TO:	COMPANY	PHONE NO.	FAX NO.
<b>Examiner Robert S. Landsman Group Art Unit 1647</b>	<b>USPTO</b>	<b>571-272-0888</b>	<b>571-273-0888</b>

**FROM:** MELISSA SCHWALLER **PHONE NO.:** 713-650-2776  
**DATE:** JUNE 30, 2005 **TIME IN:**

**NO. OF PAGES 17 INCLUDING COVER SHEET.**

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**U.S. Pat. App. Ser. No. 10/072,571**

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1647  
Examiner: Robert S. Landsman  
Applicants: Bauer, et al  
Application Number: 10/072,571  
Filed: February 8, 2002  
For: CO-ADMINISTRATION OF  
INTERLEUKIN-3 MUTANT  
POLYPEPTIDES WITH CSF'S FOR  
MULTI-LINEAGE HEMATOPOIETIC  
CELL PRODUCTION

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this document is being sent via facsimile to the attention of Examiner Robert S. Landsman, Group Art Unit 1647, United States Patent and Trademark Office at 571-273-0888 under 37 C.F.R. § 1.8 on the date indicated below.	
 Signature of Person Mailing Correspondence	
Kathryn D. Wooley Typed or Printed Name of Person Transmitting Correspondence	
Date of Signature: June 30, 2005	

VIA FACSIMILE ONLY (571-273-0888)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S  
TELEPHONE REQUEST OF JUNE 17, 2005

Dear Sir:

In response to the Examiner's telephone request on June 17, 2005 for a supplemental declaration, Applicants submit herewith a copy of a declaration filed during prosecution of U.S. Patent Application No. 08/446,871, now U.S. Patent No. 6,361,976, a parent application of the present application, and an application data sheet prepared for the present application. During a telephone conversation between the Examiner and Melissa Schwaller, attorney for applicant, on Wednesday, June 22, 2005, the Examiner indicated that a declaration filed in a parent application and an application data sheet containing the addresses of the inventors would be accepted in lieu of a supplemental declaration.

U.S. Pat. App. Ser. No. 10/072,571

PATENT  
Attorney Docket No. 43392-P005P1C1

Applicants respectfully request reconsideration of the application.

Respectfully submitted,

Date: June 30, 2005

Melissa Schwaller

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Attorney Docket No. 43392/P005P1C1

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Docket No.  
2789/1/US

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

Is attached hereto.

was filed on 06/06/95 as United States Application No. or PCT International Application Number 08/468,910

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

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Jun-30-05 01:01pm From-WINSTEAD SECHREST & MINICK

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/193,373

(Application Serial No.)

02/04/94

(Filing Date)

Patented 6,153,183

(Status)

(patented, pending, abandoned)

PCT/US95/01184

(Application Serial No.)

02/02/95

(Filing Date)

Pending

(Status)

(patented, pending, abandoned)

07/981,044

(Application Serial No.)

11/24/92

(Filing Date)

Abandoned

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

S. Christopher Bauer 42,305  
James C. Forbes 39,457  
Robert M. Kennedy 28,206  
Verne A. Luckow 45,950  
Richard A. Mueller 43,864  
Rachel A. Polster 47,004  
James M. Warner 45,199

Dennis A. Bennett 34,547  
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Joseph R. Schuh 48,180  
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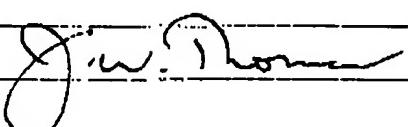
Direct Telephone Calls to: (name and telephone number)  
**S. Christopher Bauer 636-737-6257**

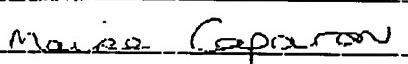
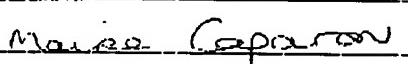
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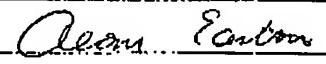
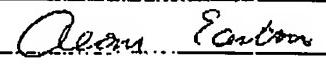
Full name of second inventor, if any <b>Peter Olins</b>	Date
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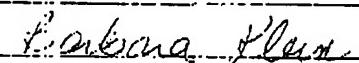
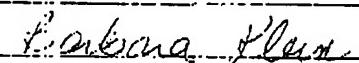
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Full name of third inventor, if any <b>John Thomas</b>	Third Inventor's signature 	Date <b>26 NOV 2001</b>
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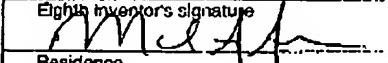
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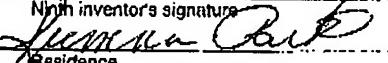
Full name of sixth inventor, if any <b>Barbara Klein</b>		Date <b>12/5/01</b>
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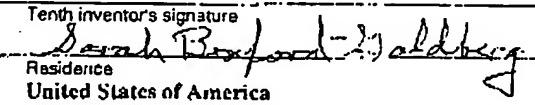
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Full name of seventh inventor, if any <b>S. Christopher Bauer</b>	Seventh inventor's signature 	Date <b>12/10/01</b>
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